S.B.Civil Misc. Appeal No.161/90
Yasin & anr. vs. Arjun Singh & ors.

Date of Order: 03.7.2006

HON'BLE MR. PRAKASH TATIA, J.

None present for the appellant.

This appeal is against the interim order passed on application filed under Order 39 Rules 1 and 2, C.P.C. by the trial court on 22.8.1990. The trial court dismissed the injunction application in a suit filed for specific performance of the contract. The appeal was admitted by this Court on 28.8.1990 and the interim order was also passed restraining respondents from alienating the property. Since the interim order against alienation of property is in force since 1990 and almost 16 years are about to pass, therefore, it will be just and proper to order that the respondents shall not alienate the property during the pendency of the suit because of the reason that there appears no reason to permit any party to deal with the property during the pendency of the suit and that too after about 16 years.

Therefore, the appeal of the appellant is disposed of with a direction to the respondents not to alienate the property during the pendency of the suit. The trial court is, however, directed to decide the suit expeditiously, if it has not been decided as yet.

(PRAKASH TATIA),J.

mlt.